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Attorneys for Amir Shahmirza
(Agent for Komir, Inc.) and Komir, Inc.

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re Case No. 19-30088 (DM)
PG&E CORPORATION, Chapter 11
- and - (Lead Case) (Jointly Administered)

PACIFIC GAS AND ELECTRIC
COMPANY,

Debtors.

- ☐ Affects PG&E Corporation
☐ Affects Pacific Gas and Electric Company
☒ Affects both Debtors

**NOTICE OF MOTION AND
MOTION FOR PARTIAL SUMMARY
JUDGMENT OF ISSUES IN
REORGANIZED DEBTORS OBJECTION
TO CLAIM #2090 AND CLAIMANT'S
RESPONSE THERETO**

**Date: April 11, 2023
Time: 10:00 a.m.
Place: (Tele/Videoconference Appearances
Only)
United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102**

**TO DEBTORS PG&E CORPORATION and PG&E ELECTRIC COMPANY AND THEIR
COUNSEL OF RECORD:**

NOTICE IS HEREBY GIVEN that on April 11, 2023, at 10:00 a.m., in the Courtroom of the
Honorable Dennis Montali, United States Bankruptcy Court for the Northern District of California,
located at 455 Golden Gate Avenue, 16th Floor, San Francisco, California 94102, in Courtroom 17,

1 Amir Shahmirza, as agent and acting on behalf of Komir, Inc., (Komir referred to herein as the
2 “Moving Party”), will, and hereby does, move the Court for an order Granting its Motion for Partial
3 Summary Judgment as to the Reorganized Debtors’ Objection to Proof of Claim No. 2090 Filed by
4 Amir Shahmirza (Docket No. 12130, the “Objection”) and Moving Party’s Response and Points and
5 Authorities in Opposition to Objection to Claim #2090 (Docket No. 12572, the “Response”), and
6 entering an Order Granting Partial Summary Judgment in favor of Moving Party on the issue
7 specified herein.

8 This Motion pertains to the (a) the real property commonly known as 800 Walnut Avenue,
9 San Bruno, California, (the “Komir Property”) and more specifically described in the following
10 Exhibits that are attached to the Exhibit Compendium submitted herewith

- 11 • Exhibit 3, page 11 of 32, Complaint in Condemnation;
- 12 • Exhibit 5, page 11 of 28, Order for Possession;
- 13 • Exhibit 6, page 24 of 54, Judgment in Condemnation, and
- 14 • Exhibit 8, Director’s Deed to Hildebrand.
- 15 • Exhibit 9, portions of the Plat Maps by the State of California, Department of
- 16 Transportation
- 17 • Exhibit 10, Plat Maps that are marked in yellow highlighting to show the location of
- 18 Komir’s Property

19 that is owned by Moving Party, and (b) to certain electrical transmission lines placed across the
20 Komir Property by Debtors (the “Trespassing Transmission Lines”).

21 The Motion is made upon the grounds that there exist no issues of material fact and that
22 Moving Parties are entitled to Partial Summary Judgment determining as a matter of law that:

23 **“PG&E Corporation and PG&E Electrical Company (each and both entities referred to**
24 **herein as “Debtors”) do not hold any easement or other grant of interest of record**
entitling Debtors to place Transmission Lines across the Komir Property.

25 The Motion is based upon this Notice of Motion and Motion, the accompanying Notice of
26 Hearing, Points and Authorities, the Declaration of Michael Mahoney, the Declaration of Amir

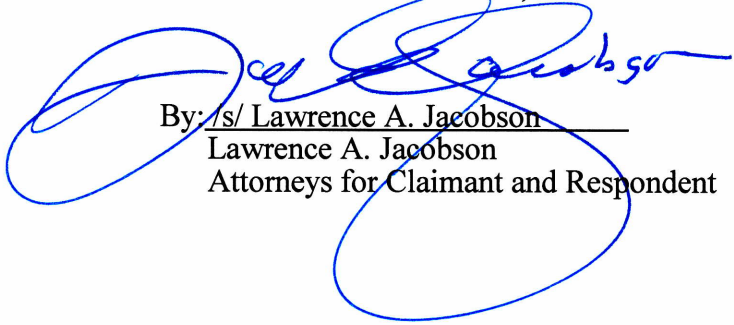
1 Shahmirza, the Request for Judicial Notice, Exhibit Compendium, Claimant's Reply Brief to be filed
2 hereafter, any evidence that the Court will accept at the hearing, upon the arguments of counsel, and
3 upon the records in this contested proceeding, Chapter 11 bankruptcy case, and the case entitled
4 "Amir Shahmirza, an individual, and Komir, Inc., a business entity, vs. PG&E, a business entity"
5 pending in the Superior Court of San Mateo County, California, as Case No. 18-CIV-06064

6 The Motion is made pursuant to Federal Rules of Civil Procedure, Rule 56, Federal Rules of
7 Bankruptcy Procedure, Rule 7056, Local Bankruptcy Rules 7007-1 and 9013-1, and upon the
8 authorities cited in the Points and Authorities. Opposition, if any, along with any evidence in
9 opposition to the Motion, must be filed and served on or before March 3, 2023, as provided in that
10 Order Approving Stipulation to Modify Schedule Regarding Reorganized Debtors' Objection to
11 Proof of Claim No. 2090 Filed by Amir Shahmirza entered on December 28, 2022, as Docket No.
12 13395.

13 Respectfully submitted.

14 Dated: January 31, 2023

COHEN AND JACOBSON, LLP

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16 By: /s/ Lawrence A. Jacobson
17 Lawrence A. Jacobson
18 Attorneys for Claimant and Respondent
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